

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF A.M. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

A.M., pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

1. I am the parent of a six-year-old medically fragile child who has sought a medical exemption in the Amsterdam school district in New York since October 2019.

2. I write this affidavit in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.

3. My son received some vaccinations as a baby. After a reaction to the hepatitis B vaccine and due to religious reasons, I decided that, in the best interest of my child, I would stop vaccinating. Due to the law that was passed in June 2019, my son was required to receive more vaccines to enter school. In late August 2019, he received the polio vaccine with a note from his doctor that in 30 days he would receive the varicella vaccine and in another 30 days, the MMR vaccine. 10 days after he received the polio vaccine, I received a call from the school and the school nurse told me that I needed to go against my doctor's recommendations because they

DECLARATION OF A.M. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION - 1

would not allow my son into school until he received the MMR and varicella vaccine. On 9/10/19 my son received both the MMR and varicella vaccine, he then suffered serious adverse effects. It was the scariest thing that I have ever gone through as a parent, and I feared for his life and safety.

4. After witnessing my son's serious adverse reactions to his vaccines in 2019, my son's life-long physician, who is a respected physician licensed to practice medicine in New York, agreed with me that my child should not receive any more doses of the varicella, MMR or hepatitis B vaccine. My doctor recommended increasing the interval between the polio vaccines to decrease any possible side effects. I received a valid medical exemption in October 2019 and a letter from the doctor stating that he recommends increasing the interval between the polio vaccine doses. I then submitted both the exemption and letter to the principal and nurse of his school.

5. My son attends a small catholic school and the principal told me she had to send my son's medical exemption to the superintendent of Amsterdam school district for review. It then was sent to the NYS department of health for review.

6. The director of the bureau wrote a letter stating that she reviewed my son's medical exemption and that the medical exemption "does not support that vaccination would be detrimental to the student's health". Without ever once having examined my child or seeing him suffer after his immunizations in 2019, she recommended the medical exemption written by my son's lifelong treating physician be denied.

7. In addition, she did not agree to the recommendation of delaying the polio vaccine.

8. Shortly thereafter, I received an email from the principal of the school and my son was kicked out of school the day before his Halloween party. My heart was torn, telling my son that he could not attend his Halloween party at school because he became so ill after immunizations. My child was devastated and confused.

9. With two other children to take care of and a part time job, the thought of homeschooling was truly terrifying. But I had no other choice; I lessened my hours at work and ordered a curriculum.

10. Every day, we had to drop my son's sister off at school and pick her up. He had to see all of his friends playing and having fun.

11. My 9-year-old daughter then started experiencing extreme anxiety at school. She could not bear to see her friends waving to their younger siblings, all of whom were friends with her brother. She felt the stigma that had been placed on our family just because we were trying to follow the advice of our treating physician and keep our son safe. She was sad that I could no longer volunteer at school. How could I? My son was not allowed there. My go-lucky, happy, vibrant daughter became anxious and isolated. She missed her brother dearly and neither of my children could comprehend how any adult could treat children in such an awful way.

12. My son, my daughter, and my whole family has suffered serious and lasting harm because of my son's exclusion from school. In addition to the loss of education, the message that has been sent to my child itself is harmful.

13. My child deserves to be in school. It is not his fault that he cannot tolerate any more vaccines safely after such a severe reaction. I cannot subject him to harm again. I cannot ignore the advice of his lifelong physician in favor of a person who has never met him and doesn't understand how serious his reaction was or what we went through. My child is one of these children we are supposed to be protecting with the school vaccine program. Instead, he is being harmed.

14. Wherefore, I respectfully ask this Court to grant the relief and let our children remain in school pending the outcome of this case.

RESPECTFULLY SUBMITTED this 4th day of August, 2020

A handwritten signature consisting of the letters 'A' and 'M' in a cursive style, followed by a horizontal line.

A.M.